

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Civil Action No. 10-CV-13101

and

HON. BERNARD A. FRIEDMAN

SIERRA CLUB,

Intervenor-Plaintiff,

vs.

DTE ENERGY COMPANY, et al.,

Defendants.

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**ORDER GRANTING RICHARD EPSTEIN AND JEREMY RABKIN'S MOTION  
FOR LEAVE TO FILE AN AMICI CURIAE BRIEF**

**and**

**ORDER GRANTING SIERRA CLUB'S MOTION FOR AN EXTENSION OF TIME  
AND FOR PERMISSION TO FILE AN ENLARGED BRIEF**

This matter is presently before the Court on the motion of proposed amici curiae Richard Epstein and Jeremy Rabkin for leave to file an amici curiae brief [docket entry 284], a copy of which is attached to the motion as Exhibit A. Proposed amici curiae seek to file a brief in support of the United States' position on Sierra Club's motion to enter the agreement between Sierra Club and DTE or, in the alternative, notice of that agreement [docket entry 267]. Counsel for proposed amici curiae indicate that

Plaintiff United States stated it supports the . . . motion [for leave to file an amici curiae brief]. DTE stated that it takes no position on *amici's* motion. Counsel for Intervenor-Plaintiffs Sierra Club stated they are willing to not oppose *amici's* motion for leave conditioned on the filing deadline for Sierra Club's reply brief (which is currently due Monday, August 3) being

extended to 10 days after the amicus brief is filed, and the page limit for Sierra Club's reply being enlarged by 7 pages (to 19 pages from the current limit of 12 pages).

Sierra Club has filed a separate motion [docket entry 285] in which it confirms its "willing[ness] to not oppose the[] motion [for leave] conditioned on the filing deadline for Sierra Club's Reply brief in support of its Motion being extended to ten days after the filing of the *amicus curiae* brief, and the page limit for that Reply being enlarged by seven pages." Sierra Club indicates that with respect to its motion, "[t]he United States stated that it has no objection," and "DTE takes no position on the motion."

As there is no opposition to the motion for leave filed by proposed amici curiae or the motion for an extension of time and enlargement of pages filed by Sierra Club,

IT IS ORDERED that the motion of proposed amici curiae Richard Epstein and Jeremy Rabkin for leave to file an amici curiae brief is granted. The amici brief attached to this motion as Exhibit A may be filed within three days of the date of this order.

IT IS FURTHER ORDERED that the motion of Sierra Club for an extension of time and for permission to file an enlarged brief is granted. Sierra Club's reply in support of its motion to enter the agreement between Sierra Club and DTE or, in the alternative, notice of that agreement is now due ten days after the amici brief is filed and may not exceed nineteen pages.

Dated: July 30, 2020  
Detroit, Michigan

s/Bernard A. Friedman  
Bernard A. Friedman  
Senior United States District Judge